

Resolution No. R-08- 06

COMMON COUNCIL OF THE CITY OF NEW ALBANY
A RESOLUTION TO RESCIND RESOLUTION R-08- 04

WHEREAS: this Council previously approved Resolution R-08- 04 directing its legal counsel to dismiss the litigation initiated to test the validity of the contracts between the New Albany Sewer Board and EMC, Inc. and the New Albany Storm Water Drainage Board and EMC, Inc.

and

WHEREAS: the Council was made aware of additional information relating to the litigation after passage of that Resolution;

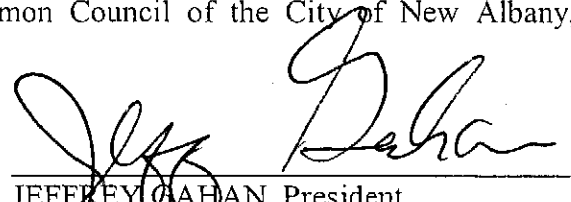
and

WHEREAS: the new information has caused some members of the Council who voted in favor of the Resolution to change their opinion;

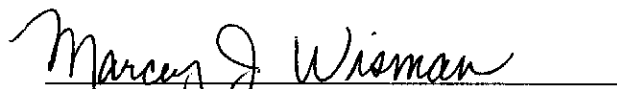
NOW THEREFORE, BE IT RESOLVED:

that Resolution R-08- 04 approved by this council on January 17, 2008 shall be and it is hereby rescinded and legal counsel is directed to move forward with the previously instituted proceedings and bring them to conclusion on the merits as expeditiously as possible.

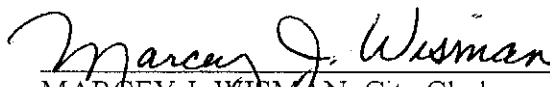
PASSED AND ADOPTED by the Common Council of the City of New Albany, Indiana this 4 day of February, 2008.


JEFFREY DAHAN, President
Common Council, City of New Albany

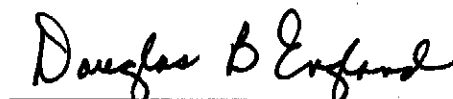
ATTEST:


MARCEY J. WISMAN, City Clerk

The foregoing Resolution was passed by the Common Council of The City of New Albany, Indiana on February 4, 2008 and was presented by me to the Mayor of The City of New Albany, Indiana on February 5, 2008 at New Albany, Indiana.


MARCEY J. WISMAN, City Clerk
City of New Albany, Indiana

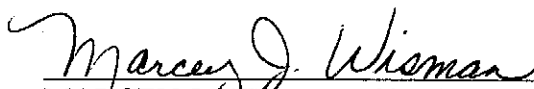
Approved and signed by me Douglas B. England, Mayor of The City of New Albany, Indiana this 5 day of February, 2008.


DOUGLAS B. ENGLAND, Mayor
City of New Albany, Indiana

STATE OF INDIANA)
) SS:
COUNTY OF FLOYD)

I, Marcey J. Wisman, City Clerk of The City of New Albany, Indiana, do hereby certify the above and foregoing is a full, true and complete copy this Resolution passed by the Common Council of The City of New Albany, Indiana on the 4 day of February, 2008 by a vote of _____ ayes and _____ nays, which was signed by the Mayor of The City of New Albany, Indiana on the 5 day of February, 2008 and now remains on file and on record in my office.

Witness my hand and the Official Seal of The City of New Albany, Indiana on this 5 day of February, 2008.


MARCEY J. WISMAN, City Clerk
City of New Albany, Indiana